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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,765	10/14/2003	Desmond J. Latouche	2224-00300	3350

23505 7590 08/18/2005

CONLEY ROSE, P.C.  
P. O. BOX 3267  
HOUSTON, TX 77253-3267

EXAMINER
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NGUYEN, TRINH T

ART UNIT	PAPER NUMBER
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3644

DATE MAILED: 08/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/684,765

**Applicant(s)**

LATOUCHE, DESMOND J.

**Examiner**

Trinh T. Nguyen

**Art Unit**

3644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination under 37 CFR 1.114 After Final Rejection***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/1/05 has been entered.

### ***Specification***

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 4, 6-17, 21, 23, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by LaTouche (US 5,444,934).

For claim 1, LaTouche discloses a modular fishing rod holder comprising:

(a) a rod holder (10, 14) extending between an open front end and an open rear end, the body incorporating a nose cone (16) at its rear end; (b) means (38) at the front end to mate with and detachably secure corresponding means on one end of a rod (15a); (c) a reel housing body (18); and (d) means (18a, 18b) at one end of the reel housing body and the rear end of the rod holder to permit releasable attachment of the reel housing body and rod holder so as to hold within, in operational position, a spinning reel (20, 21).

For claims 2 and 12, LaTouche further discloses a handle (12) secured to the other end of the reel housing body.

For claim 4, LaTouche further discloses in combination with a rod, an end of which rod is provided with means (37) to mate with and detachably secure to said means at the front end of the holder.

For claim 6, LaTouche further discloses the rear end of the rod holder is in the form of a nose cone having a concave inner surface (16a) so as to function as a clamp for a fishing line of a spinning reel during casting.

For claims 7, 8 and 10, LaTouche further discloses in combination with a spinning reel held within the reel housing body in operative position.

For claim 9, LaTouche further discloses a fishing line is wrapped about the reel extends through the front end of the rod holder.

For claim 11, LaTouche further discloses a fishing line is wrapped about the reel extends through the front end of the rod holder and through the rod (note that Figure 3 shows fishing line 40a extends through the eye, which is part of the rod, on the other end of the rod).

For claim 13, LaTouche further discloses the handle is provided with means for releasable attachment to corresponding means on the other end of the reel housing body.

For claim 14 and 15, LaTouche further discloses the rod holder is comprised of two sections pivotally secured to each other at a pivot and locked by locking means (30, 32) in operative elongated position but rotatable about the pivot so that the rod is collapsible back under the reel housing body and handle when the lock means is released.

For claim 16, LaTouche further discloses the locking means comprises a spring loaded shot pin (30) on one section which releasably engages within an aperture in a shot pin hood on the other section.

For claim 17, LaTouche further discloses the reel housing body is provided with a thumb (50) actuated line release button operatively connected to the reel for releasing the fishing line during casting.

For claim 21, LaTouche further discloses the rod is a telescoping rod and is adapted to be retractable inside itself.

For claim 23, LaTouche further discloses means on the reel housing body for releasable attachment to releasable securing means of the handle.

For claim 24, LaTouche further discloses in combination with the handle.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 5, 19, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaTouche (US 5,444,934) in view of Edwards et al. (US 3,618,253).

For claims 3 and 25, LaTouche discloses most of the claimed invention except for the handle and the reel housing body are provided with mating engagement means for detachably securing the handle to the reel housing body.

Edwards et al. teach a similar device as that of LaTouche in which Edwards et al.'s device having a handle (22) and a reel housing body (50,52) are provided with mating engagement means (53) for detachably securing the handle to the reel housing body. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the fishing rod of LaTouche so as to include a mating engagement means, in a similar manner as taught in Edwards et al., since to do so would allow the user to replace an old handle with a new handle more easily.

For claim 26, LaTouche as modified by Edwards et al. (emphasis on Edwards et al.) further discloses a handle (22) wherein the handle provided with engagement

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means (59) to permit releasable attachment to the engagement means (53) at the other end of the reel housing body (50,52).

For claim 5, LaTouche discloses most of the claimed invention except for a hollow rod along its length.

Edwards et al. teach a similar device as that of LaTouche in which Edwards et al.'s device having a hollow rod (see Figure 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the fishing rod of LaTouche so as to include a hollow rod, in a similar manner as taught in Edwards et al., since to do so would reduce the overall weight of the fishing device.

For claim 19, LaTouche further discloses rod holder is provided with a line guide (see attached Figure 2 at the end of this Office Action) having a first aperture for guiding the fishing line. However, LaTouche does not disclose that the fishing line is guided inside the rod.

Edwards et al. teach a similar device as that of LaTouche in which Edwards et al.'s device having a line guide (see attached Figure 2 at the end of this Office Action) having a first aperture for guiding the fishing line inside the rod. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the fishing rod of LaTouche so as to include a line guide for guiding the fishing line inside the rod, in a similar manner as taught in Edwards et al., since to do so would eliminate the fishing line from entanglement.

For claim 26, LaTouche as modified by Edwards et al. discloses most of the claimed invention except for a clamp ring detachably attached to the reel housing body and the rod holder to permit interchanging of rod holders with the reel housing body.

Edwards et al. teach a similar device as that of LaTouche in which Edwards et al.'s device include the use of members (51a, 33) to permit interchanging of rod holders (29,26,27,28,31) with the reel housing body (50,52). It is noted that Edwards et al. disclose the use of members (51a, 33) as attachment means, which is considered as an attachment means functional equivalent to the clamp ring as claimed, for detachably secure the reel housing body and the rod holder to permit interchanging of rod holders with the reel housing body. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use either Edwards et al.'s members (51a, 33) or Applicant's clamping ring as an attachment means, since to do so would merely replace one old and well known attachment means with another art equivalent old and well known attachment means. Furthermore, in paragraph [0030] of Applicant's specification, Applicant indicates that "It should be noted that any other suitable releasable locking arrangement besides that illustrated in Figure 2 can be used" and therefore it is believe that Edwards et al.'s releasable locking arrangement (51a, 33) can be used to replace Applicant's clamp ring to permit interchanging of rod holders with the reel housing body.

7. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over LaTouche (US 5,444,934) in view of Sobel et al. (US 3,447,254).



LaTouche discloses most of the claimed invention except for means at the front end of the rod holder to mate with and detachably secure corresponding means at one end of the rod is a lock cap which is adapted to receive a split, tapered sleeve that is secured to the one end of the rod.

Sobel et al. teach a similar device as that of LaTouche in which Sobel et al.'s device having means at the front end of the hollow body (10) to mate with and detachably secure corresponding means at one end of the rod (24) is a lock cap (22) which is adapted to receive a split, tapered sleeve (18) that is secured to the one end of the rod (see attached Figure 1 at the end of this Office Action). It is noted that Smith discloses the use of a lock cap (22) and a split, tapered sleeve (18) as attachment means, which is considered as an attachment means functional equivalent to the screw (38) as claimed in LaTouche, for connecting/attaching the rod to the hollow body. Therefore, it would have been obvious to one of ordinary skill in the art to use either LaTouche's screw member or Sobel et al.'s lock cap and a split, tapered sleeve, since to do so would merely replace one old and well known attachment means with another art equivalent old and well known attachment means.

### ***Response to Arguments***

8. Applicant's arguments filed 8/1/05 have been fully considered but they are not persuasive.
9. Applicant argues that the prior art LaTouche (US 5,444,934), which is Applicant's earlier patent, is erroneously misprinted and cannot properly be used as a prior art. The

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Examiner acknowledged Applicant's remark; however, it is noted that LaTouche (US 5,444,934) is a valid patent and therefore it can be used as prior art.

10. Regarding Applicant's argument regarding to claim 3, Applicant is referred to paragraph #6 above for further explanation.

***Conclusion***

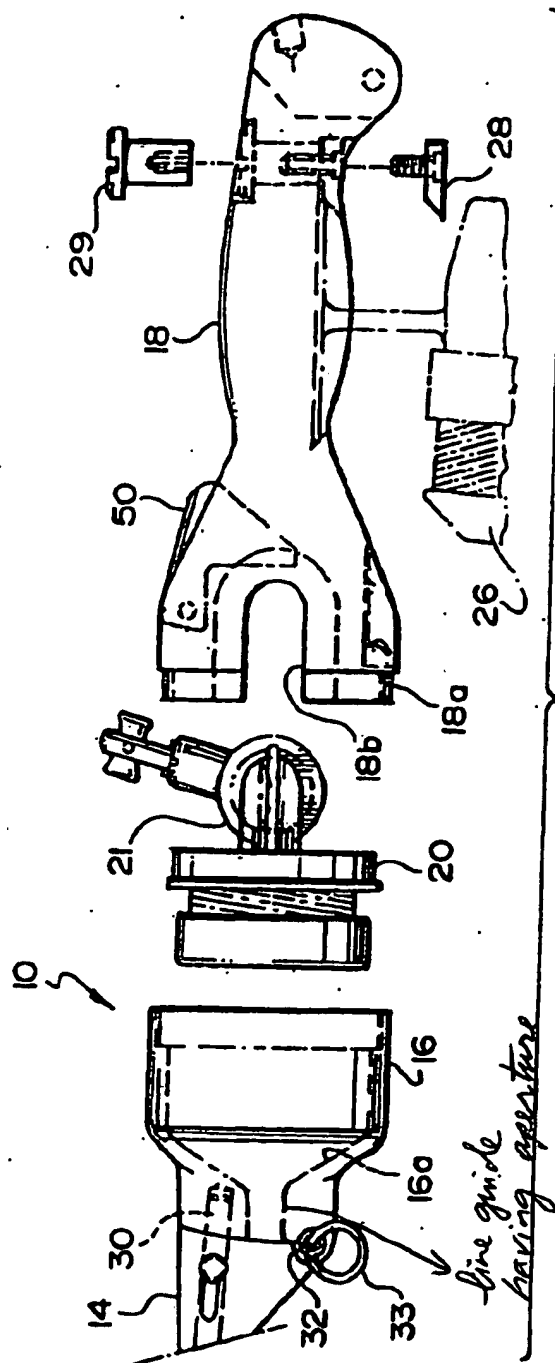
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trinh T Nguyen whose telephone number is (703) 306-9082. The examiner can normally be reached on M-F (9:30 A.M to 6:00 P.M).

The examiner's supervisor, Teri Luu can be reached on (703) 305-7421. The fax phone number for the organization where this application or proceeding is assigned is 571-273-9300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Trinh T Nguyen  
Primary Ex.  
Art Unit 3644  
8/12/05



Nov. 9, 1971

M. R. EDWARDS ET AL  
FISHING APPARATUS

3,618,253

Filed March 2, 1970

2 Sheets-Sheet 1

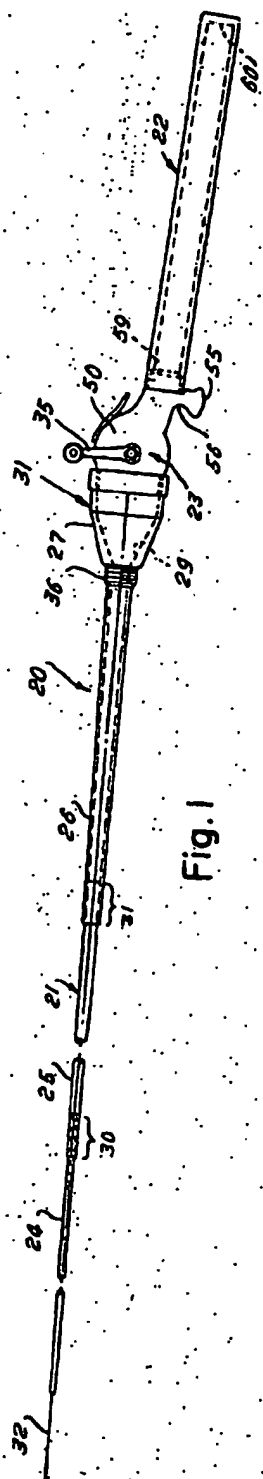


Fig. 1

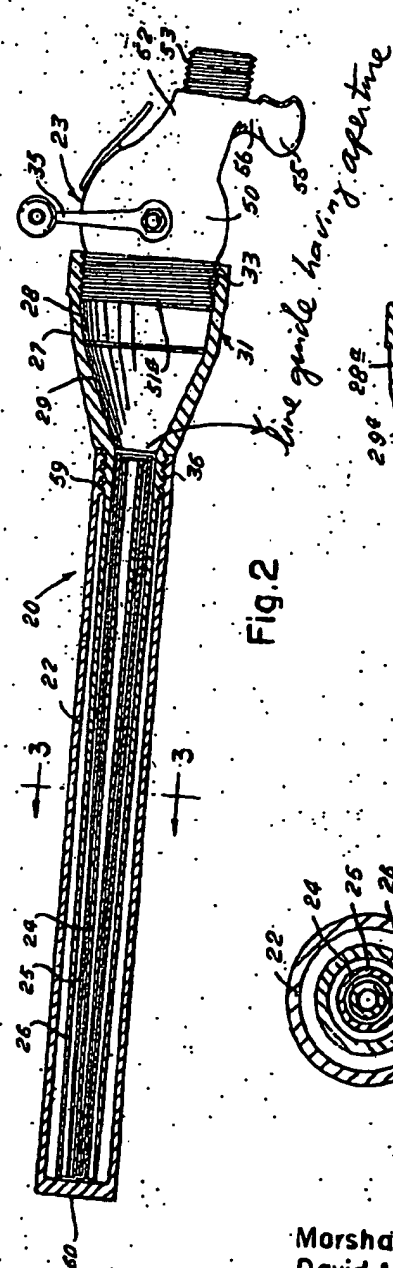


Fig. 2



Fig. 3

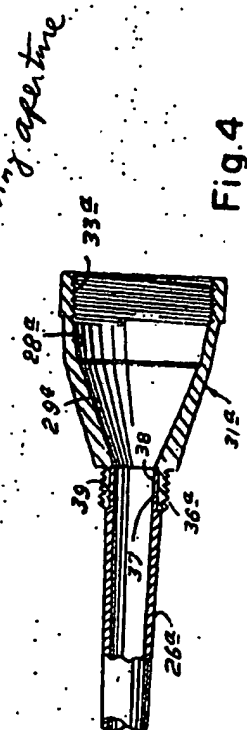


Fig. 4

INVENTORS  
Marshall R. Edwards  
by David M. Edwards  
*Edwards & Ackley*  
ATTORNEY

June 3, 1969

N. SOBEL ET AL.  
COLLAPSIBLE FISHING ROD

3,447,254

Filed Sept. 2, 1966

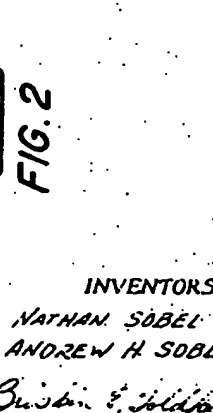
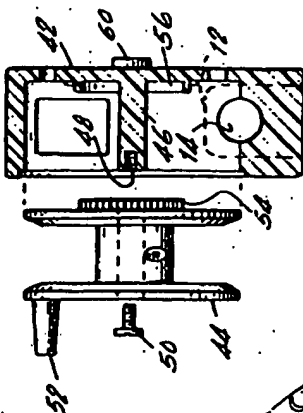
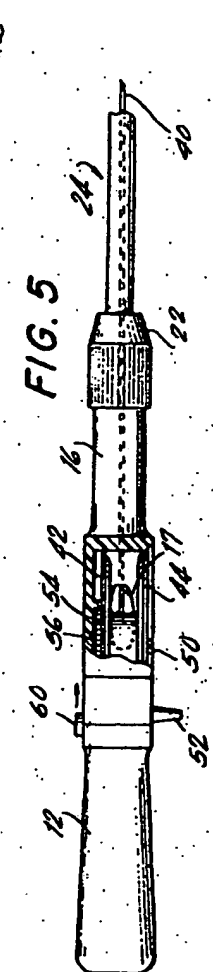
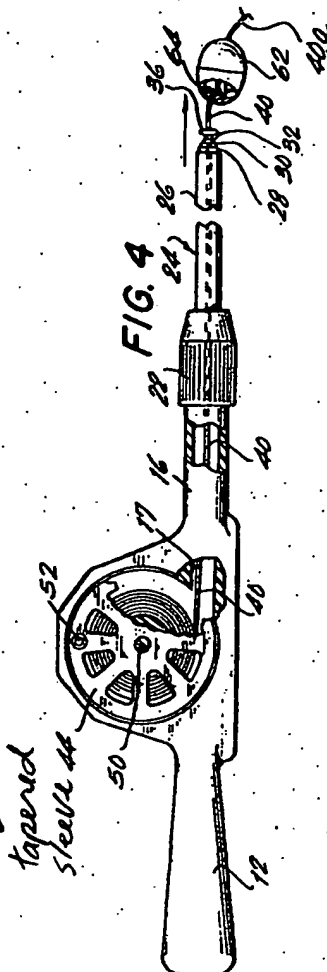
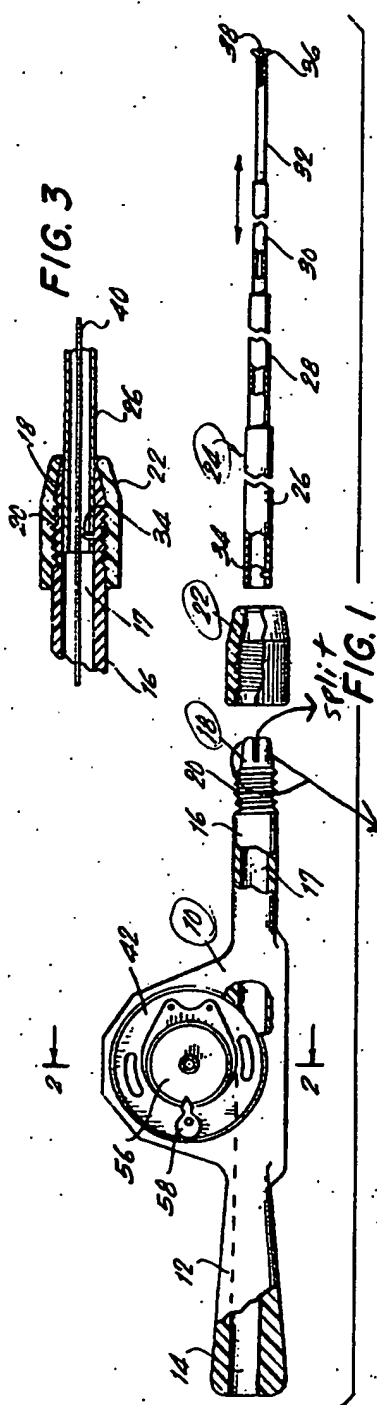


FIG. 2

INVENTORS  
NATHAN SOBEL  
ANDREW H. SOBEL  
By *Bustin & Goldstein*  
ATTORNEYS